

May 6, 2019

The regular meeting of the Mayor and Council of the Borough of Bay Head was held on May 6, 2019 at 7:00 pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Mayor Curtis called the meeting to order, welcomed everyone and asked everyone to stand and join in the Pledge of Allegiance to the Flag.

Mayor Curtis read the following statement:

Ladies and gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. This meeting is listed on an annual schedule of meetings of this Governing Body which was posted on the bulletin board at 83 Bridge Avenue on January 2, 2019 and was published in *The Ocean Star* and the *Asbury Park Press* on January 4, 2019.

The roll was called for attendance. Present were Mayor Curtis and Councilmembers Glass, Barnes, Shaning, Magory, Cornell, Lyons; Christopher Parlow, Borough Administrator and Jean Cipriani, Borough Attorney.

Councilmember Glass moved to approve the minutes of April 1, 2019. The motion was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Mayor called for Ordinance, Second Reading, Public Discussion and Vote.

Councilmember Lyons offered Ordinance 2019-02 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, OCEAN COUNTY, STATE OF NEW JERSEY, TO EXCEED THE 2019 MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:45:14)

Councilmember Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

There being no questions or comments the public hearing was closed.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Resolution 2019-61 authorizing the Budget to be read by Title Only and moved it for adoption. The motions was seconded by Councilmember Barnes and passed on roll call vote. YEAS: Glass, Barnes,

Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Councilmember Lyons introduced Robert Oliwa, Auditor and William Antonides, CFO for the Borough. I, the Finance Committee and Council owe a debt of gratitude to Bill for all his work on the budget.

Councilmember Lyons offered Resolution 2019-63 adopting the 2019 Municipal Budget and moved it for adoption. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to be public for the public hearing on the Budget.

Gloria Carpinello, 228 East Avenue: Could you please summarize?

Councilmember Lyons: Since January 1, 2019 we have operated on a temporary budget. The total to be raised by taxation for Municipal purposes is \$3,624,985.79. All line items have a specific amount and spending has to be held to that amount. Copies of the Budget are available in the office.

There being no further comments or questions the public hearing on the 2019 Budget was closed.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell. Lyons. NAYS: None. A copy of the resolution is attached to these minutes.

Mayor Curtis called for Reports of Standing Committees.

Councilmember Glass, Public Safety, read the April report for the Police Department and the Bay Head Fire Department. A copy of the report is attached to these minutes.

Monthly Fire Safety Tip: Outdoor Entertaining

- Have an adult present at all times when a portable fireplace is burning.
- Use sturdy candle holders that won't tip over easily.
- Keep anything that can burn, as well as children and pets, at least three feet away from open flames.
- Use battery-operated flameless candles and solar-powered patio (tiki) torches in place of an open flame.

Councilmember Barnes, Legal and Planning: We are still reviewing the municipal code – updating the sign ordinance and reviewing the tonnage of vehicles. The cell phone carriers have approached the town about installing nodes in town instead of cell tower. As Chris reported at the last meeting, New Jersey American Water Co. has noticed the cell providers that their antennas on the water tower have to be removed.

Mayor Curtis: They want the nodes in addition to the cell tower.

Councilmember Shaning, Public Services, read the Construction Official, Code Enforcement and Zoning Reports for the month of April. Copies of the reports are attached to these minutes.

The Bay Head Planning Board is currently thinking about enacting a tree preservation ordinance. Bill Furze, Chairman has a couple of model ordinances – the basic idea is if you take one down you put one back.

Mayor Curtis: What are the warnings given by Code Enforcement?

Councilmember Shaning: Site triangle issues, overgrown vegetation, trash cans and real estate signs.

Councilmember Magory, Public Works, read the Public Works Report for the month of April and projects for the month of May. A copy of the report is attached to these minutes.

Public Works will be closed tomorrow for repaving as well as Willow Drive between Holly and West Lake Avenue. This is being done under the contract for the Osborne Avenue curbs and sidewalks project.

At the last meeting, our Borough Administrator brought up the notification NJAW had given the cell companies on the water tower that they would have to vacate and gave them one year to do so. We are seeking information about locations to have them relocate to borough property.

Councilmember Lyons: When will the roads, torn up by NJAW on Park and Club be repaved?

Councilmember Magory: They will come back by June 15, 2019 and repave that area.

Councilmember Cornell: In walking, I have notice that there are still some sidewalks patched with asphalt – will those be replaced?

Chief Hoffman: I believe all sidewalks disturbed in the project, have now been replaced with concrete.

Councilmember Cornell, Parks, Grounds and Recreation: I have a few items. Our attorney researched the request at the last meeting for a dog park. At this point we don't have the facilities to put a dog park in – so at this point we are saying no.

The train station clean up group is working hard and everything looks very nice. Their next scheduled date to meet is Saturday, May 11th at 9 am. If you are interested in helping please join them. It takes about an hour.

I have been informed by our Borough Engineer that there will not be any grants this year for Twilight Lake. We will be removing some of the dead trees and replanting. Lake Avenue will be repaved in the spring so

maybe some additional work can be done at that time.

The Environmental Commission has applied for a grant to construct Osprey nests.

We are working on the gardens at the front of the parking lot by the clock.

I am happy to report that trees have been replanted on Main Avenue, Route 35.

Mayor Curtis: Thanks really goes to a citizen, Tony Delduca. We had tried and tried to get the state to return and replant the trees with no success. He made it happen and I want to thank him very much. Thanks to him 150 new trees were planted. Some are spring and some are fall bloomers.

Councilmember Cornell: You may notice spots with no trees – that is because of underground utility lines in that area.

Councilmember Lyons, Finance and Technology:
Finance has just been finalized.

Technology: Last night, 60 Minutes had a segment about getting hacked. It is everywhere – individuals, hospitals, banks, municipalities. A number of municipalities have been held for ransom – for a certain amount of money paid they will release your records. We have done a number of things to try and prevent this from happening but I would like to take a closer look to have all systems in place as best we can to prevent this from happening to the Borough.

Christopher Parlow, Borough Administrator:

NJAW Tower: We did receive notification from them that they are terminating the leases with the three cell companies on the tower. This week we did receive a request for information to submit a bid to remove the tower for NJAW – it is pretty clear what the intent of NJAW is. I asked them for an official response but as of yet I have not received a reply. I suggested they attend a public meeting to answer questions as to fire protection, pressure and service in the summer months. The present tower holds 750 gallons which provides fire flow protection. I have met with the cell antenna companies and they have been given one year to vacate the premise. According to them they do need to relocate somewhere in the area to provide service. They have agreed to review the municipal property in Bay Head either Public Works or the Municipal Building. There are a number of hurdles to address – CAFRA, FCC etc. A feasibility study needs to be done at a minimum. No one wants one of these towers situated near their home – and I understand there were very interesting meetings on the original placement. I will share the feasibility reports when received with the Council. I have also contacted the Board of Public Utilities concerning the decommission of the tower. I will report

back – they should have to answer to someone. We need assurance that there will be enough capacity without having the water tower.

Beach Replenishment: It started last week and stopped today. They have a crack in the sub line. I was told they may start on Egbert tomorrow. Karge will start again when repaired. Hopefully the weather works in our favor. They came in ahead of time. I am attending weekly meetings trying to make sure the crossovers tie into the walkovers. There will have to be decisions made on site.

Clayton Avenue old railroad right-of-way property: There was a request of one of the residents to purchase the adjacent property from the Department of Treasury. Come to find out it is not a very complicated process; you only have to complete and submit the Excess Land Request form. Any adjacent property owner can complete and submit the form to start the process. I haven't contacted the residents yet but with your permission I will do so. I have been told the process could take up to two years but they are open to that possibility.

Councilmember Magory moved to have Chris Parlow, Borough Administrator contact residents adjacent to the State owned old railroad right-of-way to see if they are interested in purchasing property adjacent to them from the Department of Treasury.

Councilmember Glass: What if only 10 of the 20 don't want to purchase.

Councilmember Magory: It won't matter.

The motion was seconded by Councilmember Lyons and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

Ms. Cipriani: Regarding the cell tower issue. If it is placed on municipal property there will have to be a public bid for those to come on. Federal rules are very clear. It would be a benefit to the Municipality and you would have some control.

Mayor Curtis called for Clerk's Correspondence.

Ms. Applegate offered the following request:

Request from Zas Zas Stackles – Art in the Park...and Beyond for permission to allow her to match up artists to businesses because she has more requests from artists to participate than she has room in the park. This event will be held on Saturday, June 23rd.

Request from the Bay Head Historical Society to use the Council Room for their general membership meeting with a speaker on Saturday, June 29th.

Application for On Premise Raffles License from Northern Ocean Habitat For Humanity for 50/50 drawing to be held June 7, 2019 at The Grenville 345 Main Avenue from 6 to 9 pm.

Application for Off Premise Raffles License from Bay Head Home and School Association for Duck Derby to be held on August 10, 2019.

Chief Hoffman: Why not close the parking lot on the side east of Borough Hall and allow the artists to set up there.

Ms. Stackles: The thought is to spread artists through the town. It will allow people to stroll the community and have more art work around town.

Ms. Cipriani: Just so the artist space doesn't interrupt the flow of traffic.

Councilmember Glass moved to approve the request which was seconded by Councilmember Magory.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. Nays: None.

Mayor Curtis called for Resolutions – On Consent

Councilmember Lyons offered Resolution 2019-62 Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964".

Councilmember Glass offered Resolution 2019-64 authorizing the execution of a Shared Services Agreement with the County of Ocean for Administration of the Automated License Plate Recognition Server.

Councilmember Shaning offered Resolution 2019-65 authorizing refund of Escrow Deposits to Val Skinner in the amount of \$390.00.

Councilmember Cornell offered Resolution 2019-66 supporting the Spring 2019 Tree Planting on Route 35 in the Borough of Bay Head

Councilmember Glass moved to approve the above resolutions be adopted. The motion was seconded by Councilmember Barnes.

Mayor Curtis asked if there were any questions from the public concerning the Resolutions presented.

There being no comments or questions Mayor Curtis closed the discussion by the public.

The motion passed on roll call vote: YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of each resolution is attached to these minutes.

Mayor Curtis called for Ordinance, Second Reading, Public Discussion and Vote.

Councilmember Lyons offered Ordinance 2019-03 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$285,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$270,750 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Councilmember Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

Gloria Carpinello: Could you be more specific?

Councilmember Lyons: This ordinance will allow the following purchases:

- Administration Vehicle - \$20,000
- Fire Dept. Portable Radios - \$60,000
- Howe Park Improvement - \$162,000
- Police Vehicle & Equipment - \$43,000

There being no further comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Ordinance 2019-04 entitled:

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE BOROUGH OF BAY HEAD, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$60,000 FROM THE GENERAL CAPITAL FUND BALANCE FOR THE COST THEREOF

Councilmember Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Cornell.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

Gloria Carpinello: There are two separate bond ordinances?

Councilmember Lyons: Yes, one from the general fund and the other we have to go out and borrow.

There being no further comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Barnes offered Ordinance 2019-05 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO CREATE CHAPTER 101, ENTITLED "CERTIFICATES OF OCCUPANCY" AND TO AMEND CHAPTER 147, ENTITLED "LAND USE"

Councilmember Barnes moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

There being no comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Barnes offered Ordinance 2019-06 entitled:

ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 183 OF THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD ENTITLED "PROPERTY MAINTENANCE" SO AS TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE BOROUGH OF BAY HEAD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF LAW IN CONFLICT THEREWITH

Councilmember Barnes moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

There being no comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Barnes offered Ordinance 2019-07 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 118, ENTITLED "FIREARMS AND FIREWORKS"

Councilmember Barnes moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

There being no comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Lyons offered Ordinance 2019-08 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 195-4 OF THE BOROUGH CODE ENTITLED "SEWER USAGE FEES TO INCREASE THE SEWER USAGE FEES IN THE BOROUGH OF BAY HEAD, OCEAN COUNTY, NEW JERSEY"

Councilmember Lyons moved to approve this ordinance be adoption on second reading and final passage. The motion was seconded by Councilmember Barnes.

Councilmember Lyons: This increase is due to an extremely large bill for last year and that the rates have not been increase since 2007. This increase is for 2019 and 2020 – we then will reevaluate.

Ms. Carpinello: How much is it going up?

Councilmember Lyons: 5% this year and 5% next year.

Mr. Parlow: That would be an increase of \$32.00 for basic charge.

Ms. Carpinello: Will that be effective this year?

Councilmember Lyons: Yes.

Char Charlton, 18 Harris Street: Why was the OCUA deficit such a surprise?

Councilmember Lyons: We are given an estimate for the year but the final is based on the flow. We had unusually rain for the year.

Councilmember Magory: We believe the rain was the main reason because all surrounding towns received a deficit notice.

Councilmember Lyons: OCUA sends a bill every year but it is corrected based on flow. We base our budget on the bill not the flow. We are at the mercy of Mother Nature. We would have to spend a lot of capital to find the reason. We have installed seals on some manholes but sump pumps could also be the reason.

Mr. Parlow: The average yearly rain fall for this area is 40 inches. The system is not water tight there are some leaks in the manhole covers and in the laterals. Sump pumps may also contribute. Last year the rain fall was 65 inches. So far the rain fall is down but not by much. The good news is that OCUA increase our estimate so we shouldn't get the additional bill and hopefully we will see a surplus.

Ms. Charlton: Thank you very much that was very helpful.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Glass offered Ordinance 2019-09 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 222, ENTITLED "VEHICLE AND TRAFFIC" TO ESTABLISH A NO PARKING ZONE ON GROVE STREET IN FRONT OF THE BAY HEAD ELEMENTARY SCHOOL

Councilmember Glass moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

There being no comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Glass offered Ordinance 2019-10 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER

222, ENTITLED, "VEHICLES AND TRAFFIC" TO MODIFY THE ALLOWABLE TRUCK OR MOTOR VEHICLE WEIGHT LIMIT FOR PARKING ON ROADWAYS WITHIN THE BOROUGH OF BAY HEAD

Councilmember Glass moved to approve this ordinance be adopted on second reading and final passage. There was no second to her motion.

Ms. Cipriani: Without a second to the motion the motion dies.

Councilmember Lyons offered Ordinance 2019-11 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF BAY HEAD, SO AS TO AMEND CHAPTER 114 ENTITLED "FEES"

Councilmember Lyons moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Glass.

Mayor Curtis opened the meeting to the public for a public hearing on this ordinance.

There being no comments or questions, Mayor Curtis closed the public hearing. The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Councilmember Magory offered Ordinance 2019-12 entitled:

AN ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF AN EASEMENT OVER A PORTION OF BLOCK 2 LOT 1

Councilmember Magory moved to approve this ordinance be adopted on second reading and final passage. The motion was seconded by Councilmember Barnes.

Mayor Curtis opened the meeting to the public for public hearing on this ordinance.

There being no comments or questions, Mayor Curtis closed the public hearing.

The motion passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A copy of this ordinance is attached to these minutes.

Mayor Curtis called for Unfinished Business. There was none.

Mayor Curtis called for New Business.

Councilmember Barnes: My husband when letting our dog out in the backyard saw a coyote on the other side of our fence. Please be careful.

Mayor Curtis opened the meeting to the public.

Neil DeVesty, 81 Osborne Avenue: The new sidewalk on Osborne Avenue is like a roller coaster – why is that?

Councilmember Magory: It is placed that way to match up to driveways and the grade of the properties. We had the same issue on Bay Avenue when sidewalks were installed there.

Mr. DeVesty: It won't be good for someone not good on their feet.

Ms. Charlton: Point of clarification. I see blue hoses running water into the sewer system – is there a process in town that people get approval to do this.

Councilmember Lyons: It is being directed to the storm drain not the sewer.

Mayor Curtis: The ordinance says that they have to do that.

Mr. Parlow: If a homeowner is installing a pool they have to pull a permit through our Building Dept. If they have to de-water for the installation they have to direct the water directly into the storm water system.

Chuck Maloof, 384 Western Avenue: Will all of Park Avenue be repaved?

Councilmember Magory: No – only the areas they disturbed.

Mayor Curtis: Thanks again to Mr. Delduca for your assistance in getting the State here to plant the trees on Route 35.

There being no further comments Councilmember Lyons moved to approve the vouchers for payment. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None. A list of vouchers is attached to these minutes.

Councilmember Barnes offered the following Resolution to go into executive session.

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bay Head, in the County of Ocean, State of New Jersey, as follows:

1. The public shall be excluded from discussions of an actions upon

the hereinafter specified subject matter.

2. The following subject involve:
Contractual Agreement with DEP State Aid Agreement
3. It is anticipated at this time the above subject matter will not be made public.
4. This Resolution shall become effective immediately. Action may be taken following the session.

Councilmember Barnes moved this resolution be approved. The motion was seconded by Councilmember Glass and passed on roll call vote. YEAS: Glass, Barnes, Shaning, Magory, Cornell, Lyons. NAYS: None.

The Governing Body went into Executive Session at 8:20pm. At 9:00 pm the Governing Body came out of Executive Session and resumed the meeting.

There being no further business Mayor Curtis adjourned the meeting.

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor